

[This text replaces similarly numbered paragraphs in the Model Remedial Design/Remedial Action (RD/RA) Unilateral Administrative Order (UAO).]

U.S. Environmental Protection Agency

Office of Site Remediation Enforcement

August, 2001

IX. WORK TO BE PERFORMED

34. Respondent(s) shall cooperate with EPA in providing information regarding the Work to the public. As requested by EPA, Respondent(s) shall participate in the preparation of such information for distribution to the public and in public meetings which may be held or sponsored by EPA to explain activities at or relating to the Site.

35. All aspects of the Work to be performed by Respondent(s) pursuant to this Order shall be under the direction and supervision of a qualified project manager the selection of which shall be subject to approval by EPA. Within ____ days after the effective date of this Order, Respondent(s) shall notify EPA in writing of the name and qualifications of the project manager, including primary support entities and staff, proposed to be used in carrying out work under this Order. **With respect to any proposed project manager, Respondent(s) shall demonstrate that the proposed project manager has a quality system that complies with ANSI/ASQC E4-1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs," (American National Standard, January 5, 1995), by submitting a copy of the proposed project manager's Quality Management Plan (QMP). The QMP should be prepared in accordance with the specifications set forth in "EPA Requirements for Quality Management Plans (QA/R-2)," (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA.** If at any time Respondent(s) proposes to use a different project manager, Respondent(s) shall notify EPA and shall obtain approval from EPA before the new project manager performs any work under this Order.

37. Within thirty (30) days after Respondent(s) selects an approved project manager, Respondent(s) shall submit a work plan for the Remedial Design at the Site ("Remedial Design Work Plan" or "RD Work Plan") to EPA for review and approval. The RD Work Plan shall include a step-by-step plan for completing the remedial design for the remedy described in the ROD and for attaining and maintaining all requirements, including Performance Standards, identified in the ROD. The RD Work Plan must describe in detail the tasks and deliverables Respondent(s) will

complete during the remedial design phase, and a schedule for completing the tasks and deliverables in the RD Work Plan. The major tasks and deliverables described in the RD Work Plan shall include, but not be limited to, the following: (1) a preliminary design; (2) an intermediate design; (3) a pre-final design; (4) a final design; (5) a design sampling and analysis plan (including, but not limited to, a Remedial Design Quality Assurance Project Plan (RD QAPP) in accordance with Section XVI (Quality Assurance, Sampling and Data Analysis)); (6) a Contingency Plan; (7) a Construction Quality Assurance Plan (CQAP); (8) treatability studies; [insert where needed, (9) a plan for gathering additional data or information, or performing additional feasibility studies; and (10) any other appropriate components]. Respondent(s) shall also, within thirty (30) days after Respondent(s) select an approved project manager, prepare and submit to EPA for review, a Site Health and Safety Plan for field design activities. The Site Health and Safety Plan shall conform to the applicable Occupational Safety and Health Administration and EPA requirements, including but not limited to 54 Fed. Reg. 9294.

42. Within ____ days after EPA approves the Intermediate Design, Respondent(s) shall submit a Final Design to EPA for review and approval. The Final Design submittal shall include, at a minimum, the following: (1) final plans and specifications; (2) an Operation and Maintenance Plan; (3) the Construction Quality Assurance Plan (CQAP); (4) the Field Sampling Plan (directed at measuring progress towards meeting performance standards and implemented in accordance with the approved RD QAPP); and (5) a Contingency Plan. The CQAP shall describe the approach to quality assurance during construction activities at the Site and shall specify a quality assurance official (QA Official), independent of the construction contractor, to conduct a quality assurance program during the construction phase of the project.

48. Within ____ days after EPA approves the RA Work Plan Respondent(s) shall notify EPA in writing of the name, title, and qualifications of any construction contractor proposed to be used in carrying out work under this Order. With respect to any proposed construction contractor, Respondent(s) shall demonstrate that the proposed construction contractor has a quality system that complies with ANSI/ASQC E4-1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs," (American National Standard, January 5, 1995), by submitting a copy of the proposed project manager's QMP. The QMP should be prepared in accordance with the specifications set forth in "EPA Requirements for Quality Management Plans (QA/R-2)," (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA. EPA shall thereafter provide written notice of the name(s) of the contractor(s) it approves, if any. Respondent(s) may select any approved contractor from that list and shall notify EPA of the name of the contractor selected within twenty one (21) days of EPA's

designation of approved contractors. If at any time Respondent(s) proposes to change the construction contractor, Respondent(s) shall notify EPA and shall obtain approval from EPA as provided in this paragraph, before the new construction contractor performs any work under this Order. If EPA disapproves of the selection of any contractor as the construction contractor, Respondent(s) shall submit a list of contractors that would be acceptable to them to EPA within thirty (30) days after receipt of EPA's disapproval of the contractor previously selected.

XVI. QUALITY ASSURANCE, SAMPLING AND DATA ANALYSIS

66. Respondent(s) shall use the quality assurance, quality control, and chain of custody procedures described in the ~~"EPA NEIC Policies and Procedures Manual," May 1978, revised May 1986, EPA-330/9-78-001-R, EPA's "Guidelines and Specifications for Preparing Quality Assurance Program Documentation," June 1, 1987, EPA's "Data Quality Objective Guidance," (EPA/540/G87/003 and 004)~~ **"EPA Requirements for Quality Assurance Project Plans (QA/R-5)" (EPA/240/B-01/003, March 2001) and "Guidance for Quality Assurance Project Plans (QA/G-5)" (EPA 600/R-98/018, February 1998)** [insert other guidance or manuals as appropriate], and any amendments to these documents, while conducting all sample collection and analysis activities required herein by any plan. To provide quality assurance and maintain quality control, Respondent(s) shall:

- a. Use only laboratories which have a documented ~~Quality Assurance Program~~ **quality system** that complies with **ANSI/ASQC E4-1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs," (American National Standard, January 5, 1995) and "EPA Requirements for Quality Management Plans (QA/R-2)" (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA. EPA may consider laboratories accredited under the National Environmental Laboratory Accreditation Program (NELAP) to meet the quality system requirements.** ~~guidance document QAMS-005/80.~~
- b. Ensure that the laboratory used by the Respondent(s) for analyses, performs according to a method or methods deemed satisfactory to EPA and submits all protocols to be used for analyses to EPA at least ____ days before beginning analysis.
- c. Ensure that EPA personnel and EPA's authorized representatives are allowed access to the laboratory and personnel utilized by the Respondent(s) for analyses.